

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**



Application No. 13571, of 16th and U Streets Associates, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 7104.2 to change a non-conforming use from offices and school for Youth Pride, Inc. to general office use in an R-5-C District at the premises 1536 U Street, N. W., (Square 190, Lot 810).

HEARING DATE: September 30, 1981 & March 24, 1982  
DECISION DATE: March 24, 1982 (Bench Decision)

FINDINGS OF FACT:

1. The subject application was originally scheduled for the public hearing of September 30, 1981. At that public hearing, the Board determined that it could not adequately assess the impacts of the proposed use in accordance with the requirements of the Zoning Regulations because the applicant did not have a prospective tenant. The case was adjourned, to be readvertised upon identification by the applicant of a prospective tenant.

2. By letter dated February 4, 1982, counsel for the applicant informed the Board that the applicant had entered into a sales contract with the Spanish International Network, which proposed to use the premises for its offices. The application was subsequently readvertised for the public hearing of March 24, 1982.

3. The subject site is located at the southeast corner of the intersection of 16th and U Streets, N. W. and is known as premises 1536 U Street, N. W. It is zoned R-5-C.

4. The subject property is developed with a three story building with half basement which was built in 1915 for use by a new car dealership. Succeeding uses of the building were as professional offices and the headquarters of the National Radio Institute. In 1968, pursuant to BZA Order No. 9505 dated October 11, 1968, the Board authorized a change of non-conforming use from professional offices to offices and school for Youth Pride, Inc., a non-profit organization. The building has never been used for residential purposes.

5. The applicant purchased the building in January, 1981. Youth Pride, Inc., was the sole tenant at that time

and the applicant entered into a lease agreement with Youth Pride, Inc. to continue its operation at the subject site. Lack of funding forced Youth Pride, Inc. to vacate the premises in August, 1981. The applicant has been attempting to lease or sell the property since it became aware of the discontinuance of Youth Pride, Inc.'s operations.

6. The applicant presently requests a change of nonconforming use to allow the use of the building as the offices of the National Spanish Television Network, known as SIN. The SIN, Inc. proposes to use the building to provide offices for corporate personnel and support staff, offices for news staff, space for the production of a daily news program, and microwave link equipment on the roof. The SIN, Inc. proposes a maximum staff of approximately fifty people at this location.

7. Sub-section 7104.2, under which this application was filed, provides that a nonconforming use may be changed to a use which is permitted in the most restrictive district in which the existing nonconforming use is permitted. As evidenced in BZA Order No. 9505, the last permitted use of the premises was as a school and offices for Youth Pride, Inc. A private school is first permitted in the R-1 District as a special exception. The office of a non-profit organization is first permitted in the SP District as a special exception.

8. Based on the testimony of the applicant, the Board finds that SIN, Inc. is not a non-profit organization. The proposed office use is first permitted in a C-1 District and is not permitted as a matter-of-right or by special exception in the R-1 or SP Districts.

9. No further testimony or evidence was admitted to the record though there were parties in support at the public hearing and a report from the Office of Planning and Development.

#### CONCLUSIONS OF LAW AND OPINION

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception under Sub-section 7104.2 of the Zoning Regulations to change a non-conforming use from offices and school for Youth Pride, Inc. to general office use. The D. C. Court of Appeals, in the case of Sheridan-Kalorama Neighborhood Council v. BZA, D.C. App., 411 A.2d 959 (1979), has ruled that the word "permitted" in Sub-section 7104.2 means permitted as a matter-of-right or by special exception. The Board concludes that the application does not comply with Sub-section 7104.2 of the Zoning Regulations as evidenced in Findings of Fact No.7 and 8. The Board concludes that it is therefore without authority to grant

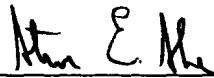
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the application as filed. Accordingly, it is ORDERED that the application is DENIED.

VOTE: 3-0 (Walter B. Lewis, William F. McIntosh and Douglas J. Patton to DENY: Connie Fortune and Charles R. Norris not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
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STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: JUL - 6 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."